

APPLICATION NO. 10/612,519
ART UNIT 3653

REMARKS

Claims 1-2 are rejected under 35 U.S.C. 102 (b) as being anticipated by McGuinness et al. 5634583.

Responsive to this, claim 2 is deleted and claim 1 is amended which is substantially the combination of original claims 1 and 2 so as to make the claimed invention more distinguishably patentable over the prior arts cited by the Examiner. It is noted that the flexible teeth (14) disclosed by McGuinness et al. are formed of an elastomeric material so that when the washer is nailed, the flexible teeth (14) are bent downward by the downward force of nailing and the washer goes through the space formed by the bent teeth (14). Obviously, the teeth (14) tend to be fatigue and the distal ends of the teeth cannot bounce back to their expected position to hold the washer any more after a period of use. In other words, because the roofing washer dispenser dispenses a huge number of the washers within a short period of time and each time the washer goes through the teeth, the teeth are bent twice (downward and bounce upward), so that the teeth will quickly reach their critical point of fatigue of the material. Once the teeth, not necessary all of the teeth, have permanent deformation, the washer cannot be hold properly and cannot finish the job as desired. On the contrary, the protrusions (16) of the present invention as disclosed in the figures are elongate and solid protrusions which do not have the inherent problems as the teeth (14) disclosed by McGuinness et al. The protrusions (16) of the present invention do not bent when the washers go through the space enclosed by the

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protrusions. Furthermore, as shown in Fig. 8 of McGuinness et al., the teeth (14) extend from a C-shaped portion and the washer (12) actually supported not only by the teeth (14), but also by the C-shaped portion. When the washer is pushed downward, the C-shaped portion has to be bent, otherwise the washer cannot be nailed on the objects. If the C-shaped portion is bent each time the washer is nailed downward, the C-shaped portion cannot be used for a long time and will be disengaged from the through hole because the C-shaped portion is connected to the inner periphery of the through hole at least 225 degrees in the circumference of the through hole. This situation will be worse than that the washer is only supported by the teeth.

Besides, regarding claim 2 of the present invention, Examiner points out that the specification on lines 46-47 of column 2 of McGuinness et al. discloses that the protrusion (teeth) are located at an intermediate point of a width of the inner periphery of the hole. There is no such description on lines 46-47 of column 2 of McGuinness et al.

In addition, Claims 1-2 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Haytayan 4339065 in view of Beach 5056684, unpatentable over Haytayan 4339065 in view of Lui 648610, and unpatentable over Lamb 6302310 in view of Haytayan 4339065. Haytayan 4339065 is recited to reject the protrusions of the present invention, and Beach and Lui are recited to reject the tube connected to the barrel and a pile of washers received in the tube.

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However, in the disclosure of in view of Haytayan, the parts 244, 236 and 520 do not support the washers, they absorb the force accompanied with the movement of the washer to the hole. This can be clearly seen from the Figs. 4, 8, 16 and 17, the parts 244, 236 and 520 are in contact with an outer periphery of the washer, not support the washer from an underside of the washer. Obviously, the parts 244, 236 and 520 of Haytayan 4339065 play different roles from the protrusions of the present invention. In other words, Haytayan 4339065 cannot make the claimed device to be obvious to the person having ordinary skill in the art when the invention was made.

Examiner points out that Lamb discloses a spring protrusion extending from and into the hole. Actually, the feeding pawl (58) presses the cap against the ledge (59). It is noted that the cap is not supported by the feeding pawl, the cap is pressed against the ledge from top of the cap. This is totally different from the way that the protrusions in the present invention to support the washer.

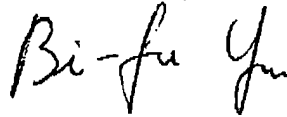
It is believed that, the amended claim 1 has disclosed a structure whose construction and function are quite different from and patentably distinguishable over the cited prior arts. Therefore, it is believed that, the rejections under 35 U.S.C. 102 (b) and 103 (a) should be removed, and the amended claim 1 should be allowable.

In view of the foregoing amendments and remarks, Applicant submits that the application is now in a condition for allowance and such action is respectfully requested.

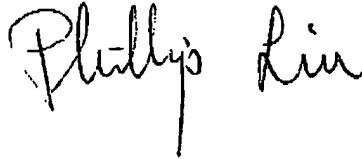
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Respectfully submitted,

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Handwritten signature of Bi-fu Yu in cursive script.

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